CONSIDERATIONS

ON THE

PRESENT DISTURBANCES

IN THE

PROVINCE OF MUNSTER.

CONSIDERATIONS

ON THE

PRESENT BANCES

IN THE

PROVINCE of MUNSTER.

1811

CONSIDERATIONS

ON THE

PRESENT DISTURBANCES

IN THE

PROVINCE OF MUNSTER,

THEIR

CAUSES, EXTENT, PROBABLE CONSEQUENCES, AND REMEDIES.

THE SECOND EDITION.

BY DOMINICK TRANT, ESQ.

DUBLIN:

PRINTED BY P. BYRNE, No. 108, GRAFTON-STREET.

M.DCC.LXXXVII.

26

CONSIDERATIONS

ON THE

PRESENT DISTURBANCES

IN THE

PROVINCE OF MUNSTER.

ADVERTISEMENT.

THE Author is well assured that the rapid sale of the first edition of this pamphlet has been occasioned by the importance of the subject, and not, in any degree, by the value of the performance.—An intention to do good was received by an indulgent public as a species of merit; and a full and avowed statement of facts claimed and received the general attention.

THE author has thought it his duty to render this edition much less incorrect than the former, which, having been published hastily, was necessarily subject to many typographical errors; some additions he has also made in different parts, as the subject seemed to require them.

HAVING,

HAVING, in the first edition, very slightly touched on the agistment-tithe, he understands that some of his readers have expressed a wish that he had been more explicit and circumstantial on that subject; he has therefore added an Appendix, which contains his thoughts on the nature of that species of tithes, and a brief account of some transactions relative to it in one of our Houses of Parliament in 1735, by which the property of the established clergy has, from that period to the present day, been very materially affected.

HE thinks it unnecessary for him to offer his share of applause to the useful, able and well digested publications of the Lord Bishop of Cloyne and Theophilus on this subject, as they have already been honoured with the most unequivocal proofs of general approbation.

CONSI-

CONSIDERATIONS, &c.

IN a free ſtate every citizen is individually concerned in the fate of the whole, and, in ſeaſons of public danger, is not only permitted, but actually called upon, to exert his beſt endeavours for the general good of that ſociety of which he is a member. It is the peculiar glory of the Britiſh conſtitution, wherefoever planted, that each ſubject is highly intereſted in the ſupport of thoſe laws under which he lives happily, and by which his life, his liberty, and his property are protected in a manner unknown to the citizens of other nations.—Thus ſharing a large portion of the general happineſs, he is bound to give his perſonal aſſiſtance to ſecure the permanency of that political conſtitution by which that happineſs has been promoted, and, as a ſoldier, as a ſtateſman, as a legiſlator, as a public

officer, or as a private citizen, he ſhould exert his beſt endeavours for that purpoſe. No private man is ſo ſecure in his fortunes or eſtabliſhment, as not to be within the vortex of general calamity, nor is he in the ſituation deſcribed by the poet,

" Suave, mari magno turbantibus æquora ventis,
" E terrâ magnum alterius ſpectare laborem—"

as, in fact, *he* does not view the ſhipwreck from a lofty cliff, *himſelf ſafe from the effects of the ſtorm*, but is *actually involved in the danger*, and *a mariner* on board the *unfortunate veſſel* which is threatened with immediate deſtruction.

A ſenſe of this duty has induced the writer of theſe lines to take up the pen on the preſent occaſion; he has no private concern to engage or bias his judgment, no reſentments to be gratified, no partialities to be indulged; the motives which urge him to engage in the preſent diſpute he ſhares with every good citizen, a zealous anxiety for the ſettled eſtabliſhments of his native country, and a deſire to contribute his mite to the ſupport of that civil and eccleſiaſtical conſtitution under which he lives, and which it is not his wiſh to ſurvive. He hopes to receive from his fellow-ſubjects that candid attention which is due to every man who offers his ſentiments either to the public, or in more private

ſociety,

ſociety, without petulance or frowardneſs; who wiſhes to reaſon, and not to calumniate; whoſe aim is conviction, and not reproach; and who will, at all times, be ready to retract any errors he may have fallen into, and to thank thoſe who may correct for the ſake of truth, and without aſperity or reproach.

The diſturbances which *now more immediately* affect the *province of Munſter*, but threaten, *in their conſequences*, to involve the *whole kingdom*, are, in ſome points, ſimiliar to thoſe which diſgraced this kingdom in the years 1762 and 1763: the preſent outrages are however more alarming in their nature, more extenſive in their objects and conſequences, planned and conducted with more art, and, in appearance, ſupported by men of ſome intrigue, knowledge, education and influence; thus ſituated, they claim a much greater degree of attention than did the comparatively weak efforts of the miſguided and unſupported populace of the period already mentioned: thoſe diſturbances were directed merely to obtain a correction of ſome alledged local grievances as to tithes and commons in the counties of Kilkenny and Tipperary; but, as armed mobs are uſually ſanguinary, in the proſecution of the intended reformation, many robberies and murders were committed, and, among

others, an active and able magiſtrate was ſacrificed to the brutal violence of thoſe midnight ruffians. Then men of property took the alarm; the magiſtrates united themſelves in the execution of the laws, Government co-operated, and in a ſhort time, peace was reſtored through the whole country.

Let us now conſider the ſituation of the whole province of Munſter *at this day*, and compare it with that of the counties of Kilkenny and Tipperary *in its worſt period*. Through the courſe of the laſt two years, that entire province is in a ſtate of the greateſt anarchy and confuſion; the laws are violated openly in many inſtances; armed bodies of men patrole the country in the dead hours of night, and mark their progreſs with terror and danger to the peaceable and the unoffending; * a reſpectable clergyman has been ſeized, and even wounded, in his bed, treated with the moſt ſhocking barbarity, and his family abuſed and terrified. Other clergymen have been threatened with the loſs of property, and even of life, forced from their livings and habitations, and obliged to take refuge in garriſoned towns to protect themſelves and their families from further evils.——

* Mr. Ryan, Rector of Kilvemnon.—See his caſe, more at large in the Appendix.

One clergyman * has been attacked by a desperate mob, in the open day, while in the peaceable exercise of his legal right, viewing the tithes of his parish, saved from their hands almost by miracle, though severely wounded and maimed; the same clergyman was again in open day, and on a public road, way-lay'd and fired at by assassins, part of the same body, and again providentially escaped from their malice and revenge—Houses burnt, corn in flames, honest and unoffending men buried alive, and some of our unsuspecting and unguarded fellow-subjects dragged from their beds and butchered in cool blood, complete the horrid picture.

——" Pudet hæc opprobria nobis
" Et dici potuisse, et non potuisse refelli.——"

I wish most sincerely that this were an exaggerated description of the late and present situation of many, and even of most, parts of Munster, even so far only as the persons and properties of the established clergy, their farmers and proctors, are concerned. Let us now see whether *they alone* are the object of the present insurrection, and whether the removal of a *single* grievance be the only purpose of these armed reformers.

* Mr. Hare, Vicar-general of Cashel.

It

It is in proof in the hands of government, and of many magiſtrates, that many notices have been affixed to the doors of Roman Catholic chapels and other public places, by thoſe deſperate men, declarative of their fixed purpoſe to raiſe the rates of labour, to confine the labour of the peaſantry to their own reſpective pariſhes, to preſcribe bounds to the hearth-money and other taxes, to determine and limit the rent, value, and mode of taking lands, in ſhort to level all thoſe diſtinctions which have ever been eſtabliſhed in all ſtates, and by a ſort of Agrarian law, to reduce the nobility of the land, the eccleſiaſtical eſtabliſhment, the opulent repreſentatives of the property of this kingdom in its parliament, and every other proprietor of land and poſſeſſor of perſonal wealth, to a degrading ſubjection to the will of the loweſt order of the ſtate, the mere popiſh peaſantry of this country. This is the fond hope of the *deluded and ignorant multitude*; but it is to be preſumed that thoſe who pull the wires, and govern the puppets, have other ſchemes in view, and that it is not their wiſh to annihilate property, and for ever to deſtroy all diſtinctions in ſociety; they, or at leaſt *ſome of them*, would be loſers by this *outrageous* and *exceſſive* reformation; they believe that they have it in their power to ſay to this threatening ocean, "Thus far ſhalt thou go, and no farther;"

ther;" and to direct its progreſs and extent by their own intereſt and diſcretion; thus *their hope* ſeems to be to weaken at firſt, and at length to deſtroy ſeveral of the moſt ancient and uſeful eſtabliſhments of this kingdom; to excite a combination among the occupiers, and even ſome proprietors of land, grounded on a ſpecious appearance of their own individual intereſt, againſt the legal and long ſettled rights of the eſtabliſhed clergy; and thus, by degrees, to bring on the religion itſelf that odium which they have artfully endeavoured to fix on its teachers. When the ſeveral orders of the people are once rendered inattentive to the *perſonal rights* of their clergy, they ſink into indifference as to the forms and even principles of their religion, and leave the door open to every change which an artful, well combined, and numerous band of enemies may be induced to make in the eccleſiaſtical ſyſtem of the kingdom—And who is there ſo ignorant as not to know that the political conſtitution of a country has an intimate connection with its national church? That the manners, morals, habits and opinions of the people are framed and moulded by the nature of their creeds, and the purity or corruption of their religious doctrines and forms of worſhip? And who can doubt that, by this natural and almoſt indiſſoluble connection, the greateſt good, or the greateſt evil has

been

been produced in civil ſociety? Thus, when the abuſes of the church of Rome were diſcovered and ſucceſsfully oppoſed, and the bright ſtar of the reformation ſhone forth to illuminate the northern regions of Europe, civil liberty was, in many places, the natural attendant on eccleſiaſtical improvement; *then*, the brave inhabitants of the now united Netherlands, having felt the horrid oppreſſion of the inquiſition, roſe as one man, and ſucceſsfully vindicated their civil and religious liberties; then the political conſtitution of England was ſtrengthened and improved, and a body of wiſe and virtuous men appeared, who, willing to deſtroy the numerous corruptions of the court and church of Rome, reformed thoſe abuſes, and reſtored the church to its real and primitive dignity and virtue; whatever ſeemed hurtful, or even uſeleſs, to the church, or dangerous to the ſtate, in eccleſiaſtical doctrines, claims or forms, was aboliſhed; a ſufficient portion of the external ſplendour and dignity of the church was maintained, as originally and intimately connected with the nature of man, with the ancient Chriſtian worſhip when firſt ſupported by the ſecular power, and as peculiarly united and interwoven with the general frame, and all the component parts of a free and limitted monarchy. I will not readily believe that any one of my countrymen, of the preſent eſtabliſhed religion,

ligion, and who is honeſtly and conſcientiouſly well affected to the civil and religious rights of this kingdom, will think himſelf at liberty to conſent to any alteration in the preſent ſyſtem, which has a direct, or may have even a circuitous tendency to weaken and conſequently to deſtroy thoſe eſtabliſhments which formed a part of the early Chriſtian conſtitutions, were approved and continued at the reformation, ſucceſſively ſtrengthened by every acceſſion of civil liberty, and confirmed by the glorious revolution; or that he will, by acquieſcing in any innovation on the perſonal rights and properties of the eſtabliſhed clergy, encourage the almoſt immediate annihilation of that religion of which they are the profeſſors and teachers, and conſequently introduce in its place the Romiſh church, which to ſpeak in the mildeſt language even of modern toleration, is not entirely favourable to liberty of conſcience, or to the perſonal freedom and civil rights of mankind.

Nor will I ſuppoſe that wiſe and virtuous men, forewarned of the danger, will in their legiſlative capacities, without the moſt cogent reaſons, enter upon the arduous and dangerous taſk of changing old and well eſtabliſhed habits, practices and properties, antecedent in theſe kingdoms to the preſent civil conſtitution thereof, and confirmed in

every period of their progreſs from barbariſm to refinement; much leſs will I believe that ſuch an attempt will be made while an armed and dangerous peaſantry, under the guidance of artful and ſeditious leaders, actually aſſume to themſelves the power of dictating the terms of ſuch alterations, controul the executive and legiſlative orders of the ſtate, and affect, by a treaſonable defiance of all laws, to overturn the civil government of this country.

But, laying aſide, *for a moment*, thoſe great conſiderations of the dignity of the ſtate, of the danger of great innovations at *any time* and in *any country*, and particularly at *this time* and in *this country*; of the ſhameful dereliction of all lawful authority and government, in liſtening to terms dictated by *armed* and profligate miſcreants, and of the dreadful example it holds forth to future inſurgents, thus incited to build the moſt alarming claims on the encouraged and ſucceſsful practice of their predeceſſors in iniquity, let us coolly and diſpaſſionately conſider the naked and ſimple fact, whether any real grievance does exiſt, proceeding from the nature of tithes, or from the conduct of the eſtabliſhed clergy, their farmers or agents, which may ſeem to require any great and ſubſtantial alteration, ſo as to change the nature of

the

the property allotted by the civil powers of the ſtate for the ſupport of the eſtabliſhed clergy.

As to tithes, and the laws by which they have been eſtabliſhed and regulated, I hold them, in general, to have been admirably well contrived for the maintenance of the clergy, and for the eaſe of the ſubject by whom they are to be paid.—By this mode of ſubſiſtence, the property of the clergyman riſes and falls with that of his pariſhioners, and bears, as is moſt equitable, a fair proportion to the progreſs or declenſion of the country; in a bad ſeaſon the farmer, ſuffering under the affliction of ſcanty crops, is not burdened with the payment of a fixed, regular, annual ſum as his quota to the clergyman, but is called upon, at his own option, either to pay a ſum of money eſteemed to be a moderate compenſation for the tenth part of ſuch ſcanty crop, or to ſet out to the clergyman, his aſſignee or agent, his legal tenth part of the crop; beyond which no avarice of the clergyman, no management of his farmers or proctors, can ever ſwell the amount of ſuch tithe—So that, in plentiful years, the farmer, enjoying the advantage of abundance in his nine parts, may, without repining, ſet out the other tenth part to his paſtor, unleſs he ſhould prefer the alternative of purchaſing it at the moderate eſtimated value; and, in a year of ſcarcity, he pays in a

fair proportion to the nature of his own diminiſhed profits.—Thus is the clergyman's private intereſt intimately connected with that of each of his pariſhoners; thus is he perſonally concerned in promoting among them habits of ſobriety, induſtry and ſkill; thus is his ſpiritual connection with them ſtrengthened by the additional incitements of temporal advantage; reſidence becomes his intereſt, as it is his duty; and an uſeful interchange of friendly and neighbourly offices forms a fixed habit of mutual kindneſs and affection.

Suppoſe that land were *originally* aſſigned to the clergyman for his maintenance, what would long ſince have been the natural conſequence? either that the clergyman, for the purpoſe of attaining a decent and honourable ſupport, muſt be a daily and hourly drudge on his own farm, muſt give up that attention which he ſhould pay to the various duties of his ſacred function, and become immerſed in all the ſordid and illiberal purſuits of vulgar life, or he muſt ſee his farm uncultivated, his crops inſufficient to ſupport his family, his children uneducated, himſelf reduced by poverty to mean and diſgraceful purſuits, and, poſſibly, his perſon and profeſſion fallen into contempt among all orders of his pariſhioners and neighbours.

Was

Was it *at any time*, or *is it now*, the policy of our laws or the ſpirit of our conſtitution, that our eſtabliſhed clergy ſhould dedicate their whole time to farming, as a means of ſubſiſtence, and thereby neglect all their ſacred and legal duties, or that, in adherence to thoſe duties, they ſhould neglect their temporal concerns, and thus diminiſh the national product, deſtroy the proviſion ſet apart for their families, and for the maintenance of that decent and temperate hoſpitality, without which they muſt ſink into neglect and ſcorn?

But it may be ſaid that the clergy may manage their lands by the hands of bailiffs and ſervants, as the nobility and gentry of the laity often do.

The nobility and gentry may afford to loſe money by farming, and yet not be ruined, as muſt be the caſe of the clergy, whoſe whole dependence, in nineteen caſes out of twenty, muſt ariſe from that portion of land appointed for their maintenance;—farming requires the eye and the hand of the maſter more than any other employment; the profits of it ariſe generally from an attention to many difficult practices, and the regular repetition of various operations in a great diverſity of combinations; for theſe, the knowledge, the zeal,

and

and the diligence of him who is to reap the profits, are abſolutely neceſſary; neither the ability, alertneſs or integrity of ſervants can be relied on when profit is the object in farming, and, in almoſt all caſes, a gentleman's farming is conſidered as at leaſt unproductive, always highly expenſive, and often totally ruinous.——Some men there have been, ſtill are, and I hope always will be, who employ the powers afforded them by fortune and the leiſure of honourable retirement, in rural improvements on a large ſcale, and by their example, excite a ſpirit of induſtry among their neighbours and tenants, often greatly advantageous to their own eſtates, and always highly beneficial to the country; but this purpoſe may be effected, though the individual nobleman or gentleman may actually loſe on a fair ſtatement of profit and loſs of thoſe ſpecial improvements—*he may gain by the conſequences*;—but the clegyman who loſes by his farming operations, can look to no remote effects for compenſation; his proceedings may involve him in immediate ruin, nor can it afford him any advantage or conſolation, as to mere worldly intereſt, that the whole country round him may have adopted his well grounded though unſucceſsful theory, and happily joined to it a more ſkilful or more attentive practice.

Thus

Thus different as the caſes of the lay-gentleman and clergyman are in point of *actual farming*, let us ſee whether they can be put on an equal, or nearly equal, footing, as to receiving the profits of their lands, through the medium of others, I mean through that of farmers, by a reſervation of rents in money, on leaſes, as is the long-ſettled cuſtom of this kingdom.

The layman often has his eſtate in his power, and, in ſuch caſes, may make leaſes for the longeſt terms, take fines, and, in conſequence of ſuch power of making long leaſes, may obtain immediate high rents, uſually above the preſent value, as the tenant is aſſured that, in progreſs of time, the land, by his money and induſtry, will riſe above the burthen of the rents, and produce a laſting and honourable ſupport for his family: Thus is formed that middle race of men from which the bar, the pulpit, and the public offices are ſupplied with their moſt diſtinguiſhed ornaments; from this order the army and navy uſually receive their officers.——This claſs (the gentlemen farmers of this country and of England) and the ſubſtantial yeomanry, conſtitute the pride and ſecurity of every free ſtate not abſolutely commercial, and theſe ranks form the firmeſt barrier againſt the uſurpations

pations of tyranny in the governors, and of licentious anarchy among the governed.

Not placed in thoſe high ſituations which induce men to aſſume illegal authority, or to aſſiſt thoſe who graſp at deſpotiſm, thoſe who compoſe theſe uſeful orders have no temptations to deſtroy the liberty of their fellow-ſubjects, and to plunge in the ſame gulph their own freedom and independence—Yet, ſituated far above the maſs of the people, enjoying a fair proportion of ſufficiently durable property, and, as freeholders, forming the broad baſe of our happy conſtitution, they have a ſufficient ſtake in the general intereſt to urge them to repreſs violence armed againſt law, and to prevent the deſtruction of that civil ſtate of ſociety under which they have procured, and by which they ſtill maintain, their property and independence.

If the clergy had originally received the tenth or any other given part of the lands of this kingdom, that portion would not, on a ſingle acre of it, ſee ſettled one of this moſt uſeful race of men, nor any farmer whoſe induſtry and ſtock could afford him a reaſonable hope of improving his fortune by the cultivation of the ſoil, which can alone

take

take place when the tenures are certain, and of a ſufficiently long duration.

But, it may be ſaid, the landed eſtates of Ireland are moſtly bound by ſettlements, and the leaſes thereon conſequently reſtrained as to duration, yet rich farmers live on them, and, at conſiderable expence, often make great and laſting improvements.

This I freely admit to have ſometimes happened, but it ſhould be conſidered that thoſe ſettlements, almoſt always, leave the poſſeſſor of the eſtate a power of leaſing for three lives or thirty one years; that the farmer, taking a leaſe for lives (as was always the caſe among Proteſtant farmers, and as is now the general uſage ſince the late relaxation of the Popery laws) chuſes them among the healthieſt of his own children, or thoſe of his neighbours, and that, in ſuch caſe, the leaſe may reaſonably be expected to continue for more than forty years, and ſometimes for fifty, ſixty, or even ſeventy; that no family ſettlement can bind the children of the intended marriage ſo as to make them tenants for life; that, as tenants in tail, they muſt at ſome future period, have the power of opening the eſtate, of letting new leaſes, or renewing the former; and that this forms a conſtant ſource of hope and encouragement in the mind of

the farmer, who proceeds with vigour in the improvement of his ground, partly incited by the ſtrong probability of the long duration of his ſubſiſting leaſe for three lives, and in part by the reaſonable preſumption of obtaining a renewal—this preſumption is built on many circumſtances in the character or ſituation of his young and future landlords; on the honour of ſome, if he ſhould be found an honeſt and improving tenant; the inattention of others; the wants and neceſſities of almoſt all—Whatſoever be the motive or cauſe of this hope, the effect is ſtill the ſame; the land is improved; the tenant or the landlord, and often both, receive the benefit; and the nation at large partakes of the advantage.

What power of leaſing can be given to a clergyman, to whom land is aſſigned for his ſubſiſtence, which ſhall not prove highly injurious to the kingdom in general, or hurtful to the intereſts of the ſucceſſors, and conſequently to the eſtabliſhed church?

A power of leaſing during *the incumbency* has been mentioned by an able and well-meaning writer on this ſubject, who writes under the ſignature of *Theophilus*, as the leaſt exceptionable which could be deviſed, tho' by no means approved or recommended

mended by him; but ſurely ſuch a leaſe is as none, and affords no poſſible incitement to improvement; a clergyman often gets his pariſh at an advanced age, and, *in ſuch caſe only*, does he remain fixed, with any moral certainty, to the end of his days. ——Suppoſe then that his incumbency and his life could be conſidered as of equal duration, what farmer would lay out money in laſting and expenſive improvements on a leaſe hanging by ſo brittle a thread? but, no clergyman, *young or old*, is fixed to his pariſh; the duration of his incumbency is moſt uncertain; the power of his patron, his own merit, his virtues or his vices, and the various occurrences of life, may remove him on the ſlighteſt notice. Where *then* is the tenure of his farmer, on which it is ſuppoſed he ſhould lay out his time, his labour, and his money? Or who is there in his ſenſes, who would conſider the duration of ſuch a leaſe as equal to one for five years certain?

Ler us next conſider whether a power of leaſing for twenty one years, which has alſo been ſuggeſted, will reconcile the intereſt of the farmer and the public with that of the church on this occaſion.

A leaſe for that term, to induce the farmer to lay out money in improvements for his own and the national benefit, muſt, from the nature of the eſtate of the leſſor, hold out to the leſſee a moral

certainty of regular renewal by the ſame incumbent and his ſucceſſors, or no improvement can be expected to follow, for the reaſons already aſſigned as to other caſes of ſhort or very uncertain tenure: —if, by the wants or avarice of the renewing leſſor, fines ſhould be taken, and the renewal executed at the ſame rent or one very little advanced, (which muſt be moſt frequently the caſe, and which no human prudence can effectually prevent) then the intereſt of the ſucceſſor during the next twenty-one years muſt be very materially affected, and, in the progreſs of time, perhaps in the ſucceſſion of three or four incumbencies, the rents reſerved will be found ſo inadequate to the real value of the land, the general riſe in price of all commodities, and the comparative diminition of the value of money, that the revenues of the clergy will be found utterly inſufficient for their mere ſupport, and much leſs equal to their fair and honorable maintenance.

If coercive clauſes ſhould be contrived to vacate leaſes made by incumbents at a rent under the improved value, or on which fines ſhall be taken, let thoſe converſant in the proceedings of courts of law judge how difficult, nay how impoſſible, it will be to induce juries of laymen, who muſt be the ſole judges of thoſe facts, to break ſuch leaſes merely

merely becauſe they have been made againſt the letter or ſpirit of ſuch clauſes as I have mentioned: At preſent, in caſes between layman and layman, and where there is no profeſſional or party prejudice, when family ſettlements made on the moſt valuable conſiderations limit the power of leaſing in a ſimilar manner, the illegal and unjuſt execution of thoſe powers muſt be proved by the cleareſt and fulleſt evidence, and almoſt without a contradiction from the oppoſite party, otherwiſe the leaſes will be confirmed by the verdict of a jury; ſuch is the general prejudice againſt all reſtraining covenants of this nature.

It has been alſo mentioned by the ſame writer, Theophilus, that improvements may be made without any leaſe, and the example of England been incited in ſupport of this poſition. Let us conſider how this can be applied to the caſe of the clergy.

In England it *has been* uſual for the heads of great families to continue from time to time the occupants of the farms on their eſtates, and their poſterity, in poſſeſſion, with little or no riſe of rent, and frequently without any leaſe whatſoever. This was a noble and magnificent conduct, grounded on the princely ideas of the old feudal ſyſtem, and

on

on the close and honorable connection between landlord and tenant. The pride, the honor, the dignity and the justice of the great families were concerned in the maintenance of this system, and while the English Baron lived in the splendour of rural magnificence, and his blazing hall was crouded by a grateful tenantry, his wants were generally supplied from his own estates: his passion for foreign luxuries and vices did not render it necessary for him to devise schemes for racking his tenantry or raising his lands to an artificial value; the tenant whom he daily saw he loved, and, in him, he loved his posterity; when the capital and the court drew the noble from his castle, his thirst for gaming, and his various other insatiable, artificial wants produced in his mind a neglect of that tenantry whom he no longer knew; he considered his estate as his wares and merchandize, and, with the spirit of a pedlar, retailed them to the highest bidder; this is, not unfrequently, the case at present in England, but almost universally so in Ireland, even among the most noble and distinguished families. But what family pride, what thirst for splendid and honorable popularity, what ancient connection of landlord and tenant can induce a succession of necessitous incumbents to continue the posterity of a farmer in the occupancy of his ground, from age to age, without lease, when a

 much

much higher rent may be gained by letting it in the uſual method? Will a ſeries of rectors or vicars be found ſo romantically generous as to act in this manner, or ſo opulent as to bear the loſs without utter ruin?—Or will a ſucceſſion of farmers be found ſo viſionary as to lay out time, money, and labour in improvements, in the fond hope of enjoying ſuch a laſting, though unwritten tenure, as is poſſeſſed by the tenants of the MANNERS, the CAVENDISHES, the PERCYS, and the HOWARDS.

Speculative men have, in writing or converſation, propoſed other plans for the maintenance of the eſtabliſhed clergy; of that publiſhed in a pamphlet under the ſignature of a *beneficed clergyman* it is not neceſſary to take notice, as it has been ſo completely anſwered and refuted by THEOPHILUS.

Some have expreſſed a wiſh that the proviſion for the clergy ſhould be aſcertained in money, from time to time, by commiſſioners, then preſented by grand juries, and applotted and levied as county charges and preſentments are at preſent in this kingdom.

Are we then ſo little acquainted with the nature of intereſted commiſſioners, of jobbing grand juries, of venal applotters, of exacting high and petty conſtables, and of the various evils which

ſpread

ſpread through the whole ſyſtem of grand-jury legiſlatures, and electioneering finance, as to truſt the property and intereſts of our clergy, and conſequently of our religion, in ſuch hands?—Do we ſo little know that, among the *real* grievances of the diſtreſſed peaſantry of this country, the ſhameful and prodigal grants of their money by the rural Thanes of their counties to thoſe moſt abandoned miſcreants, the profeſſed road-makers, bridge-makers, and affidavit-men, is one of the moſt crying and moſt notorious? That the modes of applotment often add to the original burthen; that the exactions of the conſtables, under the pretence of a delay of payment, are moſt cruel and oppreſſive; that the diſputes among the numerous cottier jointenants of the ſouthern and weſtern parts of this kingdom, for the apportionment of thoſe county charges, are now exceedingly frequent, and occaſion much animoſity and litigation; that with the addition of this new burthen, thoſe inconveniencies would be more widely ſpread and multiplied, and that a mode of collecting money from the occupants of the ſoil, now deſervedly unpopular and hateful, would, in ſuch caſe, become tenfold more grievous and deteſted? Or, with a conviction that this is the true ſtate of the caſe, ſhall we adopt a mode highly ruinous to the clergy, whom we eſ-

teem,

teem, or affect to eſteem, and who certainly deſerve our eſteem, and at the ſame time burdenſome and odious to that body of the people whom we either wiſh or affect to relieve from their preſent difficulties? It were an ill compliment to the hearts or the heads of my readers to enlarge further on this abſurd and miſchievous project.

Some have mentioned a rate of two ſhillings in the pound on the rents, or ſome other fixed rate per acre on the value, of the lands of this kingdom, after a certain deduction for bogs, rivers, mountains, &c.—The uncertainty, inequality and injuſtice of this ſort of commutation muſt be obvious—*as to rents*, they vary exceedingly, and ſeldom are in accord with the real value of the land; on ſeveral *old leaſes* not one fifth of the real preſent value is reſerved, on ſome not one ſeventh, eighth, or even tenth; two ſhillings in the pound on ſuch trifling rents, as the clergyman's part would, reduce his portion to the ſeventieth, eightieth, or even one hundredth part of the real value on new leaſes, fines may be taken, and the rents lowered, or by colluſion it may be rendered almoſt impoſſible to aſcertain the real rents:—as to a fixed rate on the *value* of the land, nothing can be more arbitrary or unequal; lands riſe or fall from various cauſes, ſuch as good

or bad husbandry, the demands of foreign and domestic markets, the breaking up for tillage or laying down to pasture, and an endless combination of other circumstances:—In the same county, barony, parish, estate, *nay in the same farm*, the soil is of very different value; to impose *an equal rate* on every acre in a province, county, &c. would be unequal and unjust; to apportion the rates *fairly and according to the relative values*, would be a work of the highest difficulty, amounting nearly to a physical impossibility, and the attempt would open a thousand avenues to fraud, partialities and corruptions of every kind; no man would be content with the burden which should be laid on his own property; and more confusion, distress, and discontent would ensue than the innovators themselves have ever ventured to impute to the present system.

If then an *original* settlement of land, or of specific sums of money, or of money to be annually, or at other stated times, levied and applotted, or of a fixed rate per pound on the rents, or, per acre, on the value of the lands, would have been inadequate, impolitic, burdensome and unjust modes of establishing a provision for the clergy of the church of Ireland, how much more absurd in the conception, and difficult in the execution must these

theſe or any ſimilar ſchemes, be *at this day*, when the modes of maintenance of the clergy are grounded on the ancient laws of the land, ſanctified by renewals of the legiſlature in ſucceſſive ages, ſufficiently clear in themſelves, but rendered almoſt indiſputable by repeated deciſions, and of the leaſt poſſible vexation to the people; when a length of time has wrought them into the very body of the religion itſelf, from which they cannot be ſeparated without the moſt violent convulſion; when all the lands in the kingdom are, and have long ſince been granted and occupied, frequently bought and ſold ſubject to the known incumbrance of tythes, bound by various obligations of debts and ſettlements, and cannot be deveſted from their preſent poſſeſſors for any purpoſe of commutation without the greateſt degree of individual and national inconvenience; when the eſtabliſhed church, already comparatively weak in *numbers*, if weakened in its *influence* and *property*, muſt yield to its natural and profeſſed enemies; when any great alteration in the ſituation of the *teachers of a religion* is known to lead naturally to an equal change in the rank or influence of the *religion itſelf*; and that it is clearly known and acknowledged that every material change in the national religion produces highly uſeful, or highly dangerous, variations, in the civil and political ſtate of every country.

When all theſe points occur to the obſervation of every reflecting, cool and unprejudiced good citizen, will he not ſet his face againſt any attempted dangerous innovations, and ſay to the inſolent, inſidious or unthinking propoſers, as did the barons of old,

"Nolumus leges Hiberniæ mutari?"

But it may be ſaid by ſome that though the nature of the proviſion for the clergy may not be changed, and that tithes ſhould be continued, yet, ſuch is the ſeverity of the laws now ſubſiſting for their collection, and ſo great the exactions of the clergy, their farmers and proctors, that thoſe laws muſt be totally changed, and the conduct of the clergy moſt ſeverely cenſured and reprehended. —Let us examine briefly the law and the practice of tithes as now ſubſiſting generally through the kingdom, and particularly through Munſter, for, as to little local abuſes which creep into all human inſtitutions, no law can guard againſt them all individually by actual proviſions.

The general law of tithes, coeval here with the full eſtabliſhment of Chriſtianity, in this kingdom, and, in England, little poſterior to its ſettlement in that country, ordains that the tenth part of the fruit or lawful increaſe of the earth, of beaſts, or

of

of men's labours be given to the miniſters of the goſpel in recompence for their attending their offices. And this law is now the law of the land, extending through the whole kingdom, unleſs where old and undiſputed local cuſtoms, ancient compoſitions called Moduſes, and particular exemptions derived from original grants or tenures from the crown or of ſome old abbey and church-lands, may form ſome ſpecial exceptions.

This univerſal law of the primitive Chriſtian church, now part of the common law of the land, has been acknowledged, confirmed and guarded by ſeveral acts of parliament. The writer of theſe conſiderations, much as he reſpects the clergy and the eſtabliſhed religion, will look for no more ſacred origin for their rights and privileges in this kingdom than the known laws of the ſtate; it is not now neceſſary to debate whether tithes were originally of divine inſtitution, and, as ſuch, were early ingrafted into the ſyſtem of the Chriſtian church, and conſequently adopted by the ſeveral nations of Europe as they were ſucceſſively enlightened by the rays of the goſpel; it is ſufficient, for the purpoſes of fair argument and diſcuſſion, that they are founded on the laws of the land, and intimately connected with various parts of our civil

civil polity and temporal eſtabliſhments;—they have, by the laws enacted in the reign of Henry VIII. formed a very conſiderable part of the property of ſeveral lay families; above one-third of the tithes of the kingdom is impropriate, and conſequently not in poſſeſſion of the clergy; this conſiderable portion of tithes has been frequently ſold, incumbered, ſettled, and, in every other reſpect, treated as land or any other temporal property; it is recoverable (as tithes are in their nature) by ejectment and other civil actions, and is, at this inſtant, in ſuch various ſituations, portions, eſtates and limitations in the reſpective families to which it belongs, as not to admit of any alteration without the utmoſt general confuſion, nor to become, in any degree, an object for commutation or compenſation.

33 Hen. VIII. ſeſ. 1. c. 12. 3. Geo. III. c. 25. 7. Geo. III. c. 21. &c.

The laws enacted here from time to time on this ſubject, of which ſome are cited in the margin, ſhow the moſt ſcrupulous attention in the legiſlature to confirm the rights of the clergy to facilitate the means of recovering their juſt dues, and, in the caſe of litigation, to procure juſtice for the party injured in the ſhorteſt poſſible time, and with the leaſt poſſible expence.——The occupant of the land, who, in almoſt all tithe-cauſes, is

ne-

neceſſarily the impugnant or defendant, has the benefit of the oath of the promovent or plaintiff, whether he be the clergyman, his farmer or proctor; and the eccleſiaſtical court is, by the expreſs words of the ſtatute, conſtituted a court of equity for that purpoſe, and for the benefit of the defendant. By thoſe laws the proceedings are rendered ſummary, the delays and forms uſual in all other courts are cut off, and the judges are expreſly directed "to receive ſuch proofs as ſhall be "offered, and finally to hear and determine ſuch "cauſes in the moſt ſummary manner, without "any regard to the formality of proceedings, "and regarding only the juſtice of the caſe." And all this without the exaction of the ſlighteſt fee on any pretence whatſoever, and with a limitation of coſts to the ſum of one pound ſix ſhillings and eight pence.

In England, from whence we happily derive our preſent civil and eccleſiaſtical conſtitution, various acts have been made for this purpoſe; among theſe ſtatutes thoſe of the 2d and 3d Edward VI. cap. 13. and 7th and 8th Wm. III. cap. 6. are, I think, the moſt extenſive and effectual, pointing out clear and expeditious methods of enabling the clergy to collect their acknowledged rights, and guarding

guarding the property of the church by the ſtrong arm of the civil power.

What then has the conduct of the clergy of the church of Ireland been in relation to their allotted maintenance, which ſhould induce the legiſlature to alter its nature, to diminiſh its product, to prevent its future increaſe, and conſequently reſtrain the extenſion of the doctrine and diſcipline of the eſtabliſhed church, to cauſe the moſt grievous apprehenſions to the friends of the preſent civil and eccleſiaſtical conſtitution, and to incite and animate the dangerous hopes and pernicious zeal of its *now armed* and moſt determined enemies?

The clergy of Ireland, juſtified by law in demanding and taking the tenth of all predial and mixed products of the earth and of cattle, and of the clear profits of all trades and induſtry, have, in all parts of the kingdom, either declin'd to demand, or been unjuſtly deprived of the tithes of a great number of thoſe articles to which they are by law entitled: perſonal tithes, one great component part of the revenues of the ancient Chriſtian clergy, are now, in practice, unknown in Ireland by the moderation of the preſent clergy; many products of the earth and of animals, titheable in their own nature of common right, and

tithe-

titheable by the modern daily practice of England, are never demanded, either in kind or by compoſition, in Ireland; an Engliſh tithing-table contains almoſt every article of the longeſt ſeedſman's catalogue, and many products of an animal nature; it includes every thing which grows in fields, or in gardens, even green-houſe plants and pine-apples; woods under twenty years growth, and even ancient woods, if of a ſpecies not uſually denominated *timber*, honey, fiſh, rabbits, eggs, fruits, beans, peas, mills, orchards, and numerous other articles, are daily tithed in kind through all England; agiſtment of cattle forms a great part of the Engliſh clergyman's income; *here* thoſe ſeveral articles, and many more, are abſolutely unproductive to the Iriſh clergyman, and, of the benefit of the agiſtment-tithe he has for a long time been moſt impolitically deprived in the moſt extraordinary and unconſtitutional manner. *

Thus reſtrained by their unexampled moderation, to a legal demand of one-tenth of corn, potatoes, flax and meadow, the Proteſtant clergyman is ſettled in the remote parts of Munſter or Connaught, among people who, in general, hate him

* Vid. Some obſervations on agiſtment tithe in the Appendix, No. 1.

for his religious profeſſion, and from whom he can expect little favour at any time, and ſometimes not common juſtice; in ſuch a ſituation the clergyman, uſually unconnected and unſupported in the country, unprovided with ſervants, utenſils of huſbandry, barns or other conveniencies, can never be ſuppoſed willing to draw his tithe in kind, and muſt therefore ſet it at a moderate value, and uſually to the occupant of the ſoil, who, from contiguity and various other circumſtances, can become the purchaſer at the greateſt poſſible advantage. At the regular ſeaſon the tithes of the pariſh are, farm by farm, and each ſpecies of crop by itſelf, viewed and valued by two intelligent perſons, and, almoſt always, very conſiderably under the value; the preference of the tithe of each farm is offered to the occupant:—If, from an idea of its being eſtimated too high, from having already a redundancy of the ſeveral ſpecies of crops, or from any other motive, the occupant ſhould not be inclined to become the purchaſer, then it is commonly bought by ſome tradeſman of the neighbouring villages, or by ſome little farmer or cottager, whoſe own crops happen not to be ſufficient for the annual maintenance of his family, and the occupant of the farm ſuffers no wrong in any caſe, as, by no poſſibility, can more than the tenth of his crop be removed from the ground.

The

The clergyman, his farmer, or agent, uſually lies at the mercy of the occupant, who, by giving the legal notices of ſetting out his tithe at times which he knows muſt be inconvenient to the perſon entitled to draw it, can always command the market on his own terms; and thus he commonly purchaſes his tithe by the acre or in groſs, at twelve months credit, and on his ſingle note, at a rate ſeldom exceeding the one-half, often not amounting to the one-fourth or one-eighth of the real value.

This will appear from the following calculation, which I have procured from thoſe whoſe experience, intelligence, and integrity render them the beſt and the moſt impartial judges of this part of the ſubject,

	Full value of an acre, plantation measure.			Real value of the tithes.			The rates for which the clergy ſell their tithes in general in the province of Munſter.
		£.	s.	d.	£.	s.	d.	
The land in many parts of the counties of Tipperary and Limerick, and elſewhere, broken up for potatoes, in ſingle fields, for two crops, is generally rented at from five to ſeven guineas per plantation acre each year, and a good crop is moderately eſtimated at from 15l. to 20l. per acre,	at	15	0	0	1	10	0	The tithes of the beſt acre of potatoes is uſually ſold for 10s. and in general for 8s. frequently for 7s. 6s. and very often for 5s.
	at	20	0	0	2	0	0	
An acre of wheat is ſuppoſed to be worth from 7l. to 15l. exclusive of the ſtraw,	at	7	0	0		14	0	This is ſold uſually at 6s. 7s. and 5s.
	at	2	0	0	1	0	0	This is ſold generally for 8s. or thereabout.
An acre of barley and bere is worth from 6l. to 8l. exclusive of the ſtraw,	at	6	0	0		12	0	6 Shillings is the uſual price demanded, often 5s.
	at	8	0	0		16	0	
An acre of oats is worth from 3l. to 5l. exclusive of the ſtraw,	at	3	0	0		6	0	2s. 6d. and 3s. the uſual prices; for the beſt 3s. 6d. is ſometimes demanded.
	at	5	0	0		10	0	
An acre of Meadow, ſuppoſing it to produce from 2 to 3 tons, at 30s per ton,	at	3	0	0		6	0	From 2s. to 3s. are the uſual prices. N. B. No agiſtment is paid here as in England.
	at	4	0	0		9	0	
An acre of flax is computed from 6l. to 10l.	at	6	0	0		12	0	The tithe of the beſt acre is generally ſold for 8s.—6s. is the common price, and 5s. frequently is given.
	at	10	0	0	1	0	0	

N. B. Five plantation acres are equal to eight Engliſh acres.

In ſome parts of Munſter, particularly in the county of Cork, the White-boys, by notices poſted on their chapel doors, and regularly ſerved on the houſes of the clergy, aſcertained the limits which they were determined not to exceed for their tithes—They varied in different parts of the country, but the following were nearly the average rates per acre, plantation meaſure:

Potatoes,	Wheat,	Barley,	Oats,	Meadow,	Flax.
2s.	3s. 6d.	3s.	1s. 6d.	o	o

Thus, thoſe impartial legiſlators have by their *armed authority* reduced, in ſeveral places, the price of tithes to *a mere nothing* as to certain products, and, as to others, to the one-fourth, one-ſixth, and even the one-ninth of their real value, and ſome timid or diſtreſſed clergymen were induced by the threats of thoſe furious and mercileſs men, by the perſuaſions of falſe friends, or by their own poverty, and the preſſing demands of large families, to accede to theſe moſt unjuſt propoſitions—however, in many of the pariſhes where thoſe accommodations had taken place, the conſcientious CAPTAIN RIGHT and his honeſt myrmidons have broken through their agreements, forced the tithe notes from the clergy or their agents, and now retain the whole tenth, without any intention of offering the ſlighteſt retribution to the legal proprietors.

The

The enemies of the preſent eccleſiaſtical ſyſtem have, with equal induſtry and malignity, fiſhed for information of the ſeverity or ſeeimg exactions of individual clergymen through every corner of the kingdom; through the indiſtinct murmurs of many unſpecified charges, I have not been able to hear of more than one preciſe accuſation attempted to be brought home. The conduct of a clergyman is moſt grievouſly cenſured, who, as is alledged, forced from one of his pariſhioners, by fraud and litigation, a large ſum, at the rate of 32s. per acre for the tithe of potatoes, being four, five or ſix times more than the current rate of the country.—The caſe I allude to, I ſhall ſtate fully and fairly, from the moſt authentic information, and ſhall mention the names of the parties, as a proof that I think myſelf perfectly well grounded in my aſſertions, and do not dread contradiction.

The Rev. Mr. Hare, vicar-general of the dioceſe of Caſhel, at the regular time in autumn, 1780, got the crops of his pariſh of Ballyſheehane viewed and valued by two ſufficient perſons; this is the ſettled and neceſſary practice, as, in the caſe of ſubtraction of tithes, there is no poſſibility of recovering the value but by the evidence of two competent witneſſes, who have carefully valued the crops

while

while growing and nearly advanced to maturity; those eſtimators judged that the farm of Garrane, occupied by Mrs. Strang, would produce ſuch a number of barrels of potatoes, barley and oats, and tuns of hay, that Mr. Hare's moiety of the tithe, eſtimated at the then low rates of that neighbourhood, would amount to 33l. 1s. 4d. When their report was preſented to Mr. Hare, he in perſon, went to the houſe of Mrs. Strang, to offer her the tithe at any valuation ſhe herſelf ſhould be willing to put on it, though it were even ſo low as the one-third of the eſtimated value; Mrs. Strang not being at home, her agent told Mr. Hare that no compoſition would be made with him, and that he abſolutely *ſhould get nothing for his tithes*, unleſs he immediately made Mrs. Strang a leaſe of the tithes—On Mr. Hare's refuſal to make ſuch leaſe, the whole tithes of this farm of Garrane were then ſubſtracted, and Mr. Hare, finding it impoſſible to obtain his right without recurring to law, libelled for the value of his tithes in the ſpiritual court, though not till the ſucceeding ſpring, as he wiſhed to give Mrs. Strang the fulleſt poſſible time to offer and make compenſation for the tithes ſo ſubſtracted:—Copies of Mr. Hare's petition, containing the nature and amount of his ſeveral charges, were regularly ſerved on Mrs. Strang, at

leaſt

leaſt thirty days before the appointed day of trial, as the law directs; the cauſe was not heard till the ninth of July, when, though Mrs. Strang employed a proctor to defend the ſuit, no evidence was given on her part that ſhe had, by herſelf or by any other perſon, made any propoſal for a compoſition for her tithe, nor was any teſtimony offered on her part to rebut the evidence of value and ſubſtraction given on the part of Mr. Hare.

Clear proof having been made of the value of the ſubſtracted tithes, by the oaths of the two viewers and eſtimators, the eccleſiaſtical judge, in the preſence of Mrs. Strang's proctor (who attended alſo at the examination of the witneſſes) gave judgment for Mr. Hare, to recover from Mrs. Strang the ſum of 33l. 1s. 4d. being the ſworn value of the tithe ſubſtracted; this the law abſolutely directs him to do; there was no contrariety of evidence as to the facts, as there certainly would have been had Mrs. Strang's proctor been able to deny the allegations of Mr. Hare; the judge was, of courſe, bound to take "pro confeſſo et conceſſo," the only proof which was laid before him.

An appeal was then lodged, and, the due time for proceeding on ſuch appeal having elapſed, without

without any ſteps having been taken therein, the decree of the ſpiritual court was of courſe valid, and a motion iſſued accordingly for 33l. 1s. 4d. the ſum decreed.

Mr. Hare, ſupported by this ſentence of the law, and having it in his power to recover and levy the full amount of the decree in his favour, evinced his moderation in the cleareſt manner by accepting the ſum of 10l. inſtead of 33l. 1s. 4d. the ſum decreed; with which inſtance of his diſintereſtedneſs, and his general good conduct through the whole proceedings, Mrs. Strang expreſſed her entire ſatisfaction, though many attempts were made by the enemies of Mr. Hare, to miſrepreſent the caſe, and to blacken his character in the moſt ſhameful and malicious manner.

This will clearly appear by laying before the public Mrs. Strang's ſtate of this buſineſs, as it appears in her own words, in the following atteſtation:

"MANY falſe and injurious reports having "been moſt induſtriouſly propagated, relative to "the demands made on me by the reverend Mr. "Hare, in the year 1780, for tithe, to remove the "effects of ſuch malevolent miſrepreſentations, I

 "think

" think it but juſt to declare that the reverend Mr.
" Hare offered to let me have my tithes for any
" thing I pleaſed to give him for them, but, by
" the improper conduct of my agent, who declar-
" ed (without any directions from me) that unleſs
" Mr. Hare gave a leaſe, he ſhould get nothing,
" Mr. Hare ſued me for the full value. And after
" he had obtained a decree againſt me, he relin-
" quiſhed all advantage from it, and let me have
" for 101l. tithes which he had proved in court to
" be worth 331.

" Mr. Hare receives only half the tithes in the
" eaſtern diviſion of the parish of Ballyheelan,
" and my tenants acknowledge themſelves well
" pleaſed with his charges.

" I make and ſubſcribe this declaration in vindi-
" cation of Mr. Hare's character.

" MARY STRANG."

" *October*, 1786.

I have made enquiries not only into the nature of this particular caſe, but alſo as to the general character of the parties, and have every reaſon to be aſſured that Mrs. Strang manages a very extenſive property with the greateſt ſkill, prudence, and pro-

propriety, and with the beſt poſſible private character, though, in this buſineſs, miſled by the miſmanagement or miſtake of her agent; and that Mr. Hare has been long remarkable for his learning, hoſpitality, charity, and other valuable qualities; that he has ſome enemies, whom he has made ſuch by an open freedom of ſpeech and action in defence of the legal, civil, and religious eſtabliſhments of his country, and that his * property has frequently ſuffered, and even his life been more than once endangered, in conſequence of his manly and vigorous exertions to reſtore peace and order to that part of the country in which he reſides. May IRELAND ſee many ſuch citizens ariſe in the active defence of her laws and conſtitution!

So little then is there the appearance of a *real grievance* ſuffered by the peaſantry of this country from the clergy, that on the fulleſt proof, it can be demonſtrated that eccleſiaſtical dues of every kind are much more moderately levied *here* than in the *ſiſter kingdom*, where, nevertheleſs, that ſpecies of property is as eaſily maintained and received as rents or any other income whatſoever; and that the clergy of this kingdom or their repreſentatives

* Vid. the circumſtances here hinted at, more fully ſtated in the appendix.

ſeldom receive more than one-third of their legal property, and ſometimes not one-fourth or even one-fifth. What then are the *real cauſes* of the preſent diſcontents of the lower orders of the people in Munſter? Are they of their own *original* diſcovery, or have they been *taught* to look for them, to feel them, and to mark their ſenſe of them in lines of blood and devaſtation? Have they been artfully incited to turn away their eyes from the *true ſources* of their poverty and diſtreſs, to look for *imaginary* evils, and combat *unreal* oppreſſion? or is there ſomewhat, ſtill more dangerous, lying hid and unknown even to the actual perpetrators of thoſe horrid crimes which ſhock the ear of humanity? Have thoſe whoſe councils guide, whoſe influence protects, and whoſe zeal inſpires the motions of this body, conceived the deep-laid ſcheme of annihilating the eſtabliſhed religion, confounding all orders of the ſtate, and raiſing for themſelves out of the wreck of the conſtitution, as out of CHAOS, new property, new power, and perhaps actual rule and dominion? Such were the aſpiring hopes of CATILINE, a man of dignified birth and ſplendid connections. Such illuſtrious patricides were the FIESQUES of Genoa, the TIEPOLOS of Venice, the ESSEXES and the FAIRFAXES of England, and many others of birth and fortune, who, urged by perſonal reſentment or political ambition,

ambition, by private avarice, by a general and diſintereſted love of injuſtice, and a glorious zeal for uproar and confuſion, riſked themſelves, their families, and their fortunes in virtuous attempts to overturn the peace and the liberties of their country. Not the JACK CADES, the WAT TYLERS, and the MASANIELLOS alone, men of obſcure birth and plebeian manners and fortunes, have had the happineſs of laying nations in the duſt, and humbling the pride of nobles and of monarchs; ſome, of higher orders, have diſtinguiſhed themſelves in the reformation of their country, by overturning her firmeſt ordinances and eſtabliſhments from their very foundations. Can IRELAND *now* boaſt of any man or number of men of the higher or middle orders of life, fired with this god-like ambition, and deſirous of emulating the deed of that ancient patriot who eternized his name by the deſtruction of the Temple of Epheſus? This it is not in my power to pronounce with *certainty*;—anxious as I am that my native country ſhould ſnatch a praiſe

"Above all Greek, above all Roman fame,"

yet I have not preſumption enough to adorn her brows with this ſprig of civic wreath, or to pronounce any nobleman or gentleman of Ireland, on the mere credit of public report, worthy

of

of being raiſed to this higheſt pinnacle of glory, and ranked by an admiring world in the temple of fame, with the patriotic CATILINE, and the high-minded HANNIBAL.

Let us however attempt to trace the hiſtory of the preſent diſturbances, and to aſſign ſome cauſes for their alarming extent, and the want of ſucceſs of thoſe endeavours which have been uſed for their ſuppreſſion by the interpoſition of government, by the exertions of magiſtracy, by the vigour of the military, or by any other means hitherto deviſed for that purpoſe.

It is an unfortunate truth that the ſtate of the peaſantry of the ſouth of Ireland is wretched in the extreme. Want of capitals to work their little farms to the greateſt advantage; want of employment, as labourers for the gentlemen of the country, the greater part of whom are too hoſpitable, too much addicted to the bottle, and, conſequently, often too indigent, to find either time, inclination or money for rural improvements; the great dearneſs of land lett in ſmall portions for the cultivation of potatoes, the neceſſary, and indeed the only food of the lower orders of the people;—all theſe and many ſimilar cauſes produce a dreadful degree of poverty among

the

the cottier tenants in Munſter. It is the bounden duty of the men of landed property to prevent or alleviate thoſe diſtreſſes by all poſſible means; but, moſt unfortunately, many of the principal noblemen and gentlemen of Ireland do not reſide on their eſtates, and are therefore inſenſible to the diſtreſſes which they do not ſee, and to which they therefore flatter themſelves that they do not adminiſter any occaſion. Many of the reſident gentlemen, unwilling to diminiſh their incomes, to reſtrain their pleaſures, or to acknowledge the juſtneſs of thoſe complaints which they are not diſpoſed to remove, ſhewed a diſpoſition, if not hoſtile, at leaſt not very friendly, to the rights of the eſtabliſhed clergy, and, at all times, and on all occaſions, endeavoured to leſſen that reverence which all men, and more eſpecially thoſe of the lower claſs, ſhould be taught to entertain for the functions, properties and perſons of the miniſters of religion. The precepts and examples of ſuperiors have a moſt powerful influence and controul over the conduct of the inferiors, whoſe paſſions are eaſily inflamed, and whoſe ignorance will not permit them to ſee the artifices of thoſe who lead them on to ruin. Grievances were pointed out which had no exiſtence, or which, if exiſting, might eaſily have been removed by an eaſy appeal to the known and written laws of the land; but a ſurer method was pointed out by which the

the great purpoſe might be effected, and the confederated oppoſers of the clergy be kept without the pale of ſevere or capital puniſhment.——. The EDICT was iſſued by CAPTAIN RIGHT, that, at every Popiſh chapel, oaths ſhould be adminiſtered to every pariſhioner not to take tithes, but under certain very unjuſt, illegal and impracticable regulations; thus binding the conſciences of *the few* by the power of ſuperſtition, and giving to *the many* an excuſe for committing that injuſtice to which they were already but too well diſpoſed—Orders were publiſhed that the ſworn pariſh ſhould ſwear the next, and ſo on progreſſively, that the circle of combination ſhould ſpread rapidly through the whole country, and the ruin of the clergy become univerſal and inevitable.

At this time no violence was committed, no nocturnal meetings were holden, no arms wreſted from the houſes and perſons of Proteſtants, no act of groſs outrage alarmed the really honeſt yeomanry, the gentry, or the magiſtracy; the indolence of ſome rendered them heedleſs, and many, not foreſeeing the conſequences, fooliſhly thought that they themſelves might, with impunity and a ſafe conſcience, reap ſome benefit by a diminution of the property of the clergy.

Thus

Thus the miſchief crept on and ſpread far around, to the very ſhores of the Atlantic, like the TYPHON in the Indian ſeas, which at firſt appears as a ſmall ſpeck in the weſt, level with the horizon, then gradually riſes to the zenith, and covers the whole ocean with lightnings, ſtorms, and devaſtation.

While this cautious method of ſwearing the inhabitants of the ſeveral pariſhes to combine againſt the clergy and the laws, was thus ſecretly and, in appearance, effectually undermining the conſtitution, ſome men were found, among the inſurgents, of leſs prudence and more active ſpirits than thoſe weighty, cool and ſpecious men, ſome of whom had, by their cunning planned, and ſome, by their dignified ſituation, ſupported, the original diſturbances in the country;—the *actors* in the tragedy became regardleſs of the cue of their reſpectable *prompters*, and were hurried on by that ſavage impetuoſity which characterizes the lower orders of the native Iriſh.—Private revenge was often gratified in the moſt dreadful manner under pretence of redreſſing public grievances;—armed parties marched in the dead hours of night, from houſe to houſe, collecting fire-arms from the Proteſtants by menaces, by force, and ſometimes by torture; exacting heavy contributions from all deſcriptions of

men for the purchaſe of ammunition, and for the better general ſupport of the *common cauſe*; burning the tithes of the clergy, the haggards of ſuch farmers as had dared to comply with the laws, and threatening to deſtroy the houſes of the clergy, and of thoſe few magiſtrates who had taken the alarm, and meditated an active oppoſition to their proceedings.——Some who had been farmers or agents of the clergy were torn from their wives and families, expoſed to new and moſt grievous tortures, and often buried alive in graves dug in the point of meeting of the moſt public roads;—thoſe graves were lined with black-thorn buſhes and brambles, and, by an edict of thoſe merciful reformers, no man was, under pain of a ſimilar puniſhment, to attempt the relief of the unhappy ſufferers, within ſome given and limitted time. Some ſuch graves has the writer of theſe lines ſeen long open on the high roads within two and three miles of the great and opulent city of Corke, to the utter ſcandal and diſgrace of the gentry and magiſtracy of that city and of the neighbouring country.

Theſe violences, however, produced ſome good effects: ſome men of property and honourable and independent principles, ſaw the neceſſity of oppoſing ſuch outrages; and ſome magiſtrates (though

(though few) at the riſk of their lives and properties, nobly dared to exert the powers of the law againſt the inſurgents; among thoſe I am proud to mark the diſtinguiſhed zeal, the intrepid firmneſs, and the well directed conduct of Mr. MANNIX, a magiſtrate of the county of Corke, who very early ſaw the tendency and probable conſequences of thoſe proceedings, and oppoſed them with vigour, perſeverance and effect; not deterred by menaces againſt his habitation, property and perſon, nor infected by the uſually contagious ſupineneſs of his fellow magiſtrates, he ſtood forth the fearleſs corrector of lawleſs violence, the active and uſeful friend of the perſecuted clergy, the ſteady and uniform ſupporter of the laws and the conſtitution.

MR. HAMILTON Cox of Dunmanway, has alſo proved himſelf an active, intelligent, and uſeful magiſtrate through the whole courſe of thoſe diſturbances; the weſtern parts of the county of Corke felt the moſt beneficial effects from his ſpirited exertions to reſtore public peace and tranquillity.

During Mr. Mannix's late neceſſary abſence from the county of Corke, Mr. PUXLEY of Croſshaven, ſupplied his place, received informations

againſt thoſe inſurgents, iſſued warrants againſt them, and, in other reſpects, ſtood forth as an active magiſtrate, when many others ſhrunk from their duty, as from a ſervice of danger.—Mr. Puxley left his own reſidence, where the country was in quiet by his influence and exertions, and took his ſtation at CORKE, in the center of the diſturbed pariſhes, that he may have it in his power to render the more effectual ſervice to the real intereſts of the country.

In addition to the uſeful and honorable labours of theſe magiſtrates, thus called forth by the outrages of the White-boys, another good effect was, that the executive power, ever anxious to maintain the peace and good order of the kingdom, ſent into the diſturbed counties a conſiderable military force under the command of an active and able general, to aid and invigorate the civil power, in ſuppreſſing thoſe violent and diſgraceful proceedings. Many of the offenders were accordingly apprehended; the White-boy parties were frequently ſurprized, attacked and diſperſed, and a temporary calm ſucceeded to the former devaſtations.

Government, in continuance of its moſt earneſt good wiſhes to reſtore tranquillity to the country, directed

directed a legal proſecution of the offenders, at a very conſiderable public expence; but, ſuch were the powers of influence and protection, the efforts of bribery and intimidity on the conduct of proſecutors and witneſſes, and the blind and miſtaken mercy of jurors, that, on the whole Munſter circuit, where many White-boys were capitally tried, moſt of whom were notoriouſly guilty, yet only two were convicted.

The ſubtle and deſigning ſupporters of the original plan exerted their influence to the utmoſt in defence of their unfortunate *vaſſals* and *diſciples*, and ſucceeded but too well on the occaſion.

It was confidently promiſed by the known favourers of the inſurgents that, after the aſſizes, peace ſhould be reſtored, and that the oppreſſed and injured peaſantry, as they were called, ſhould lay down their arms, and ſubmit their diſtreſſes in a legal and dutiful manner to the conſideration of the legiſlature, from which alone they could expect effectual relief. Thoſe who then promiſed had engaged for more than was within their power, or, perhaps, within their inclination, to perform. In a very ſhort time the ſtandard of rebellion was again diſplayed, and, in open day-light, again

waved

waved over the country;—her forces were again levied, regimented, and, in ſome degree, regularly diſciplined;—the ſame ſcenes of rapine, burnings and murder were renewed with additional circumſtances of horror;—the perſons and properties of the very few magiſtrates, and ſuch others as had ſhown themſelves friends to the laws of their country, were threatened, and ſometimes attacked;—the habitations of many clergymen, the moſt remarkable for charity, a benevolent attention to the poor in the hours of ſorrow and diſeaſe, and the utmoſt moderation in the collection of their legal rights, were in perpetual danger, though armed guards were, at a conſiderable expence, kept for the protection of ſome of them;—the very proteſtant churches were not always ſecure; that of Glanmire in particular was threatened to be burnt, though in the vicinity of the city of Corke, and in the center of a populous and proteſtant neighbourhood; this audacious menace would probably have been put in execution, if Mr. Mannix had not exerted his uſual firmneſs on the occaſion, and effectually ſcattered that force which was intended by Captain Right for that very daring ſervice.—Thoſe who had proſecuted at the former, or who were bound over to proſecute at the enſuing aſſizes, were peculiarly marked as the objects of popular

popular reſentment *; one of theſe unhappy men, who had long before been maimed and diſfigured by the White-boys for having ſpoken diſreſpectfully of their proceedings, was again torn from the bed of his diſconſolate and ſupplicating wife, and, in the midſt of his affrighted infants, maſſacred with circumſtances of unexampled horror and barbarity.

Are theſe things ſo?—The voice of fame is too loud, the facts are too near and too recent, and the proofs too pregnant and too numerous to admit of contradiction.

Whatſoever then be the CAUSES of theſe diſturbances, whether the peaſantry be in themſelves really irritated againſt the clergy and the church, or artfully miſled by cool and deſigning men, whoſe diſlike to all religion or particular hatred to that eſtabliſhed, prompts them to arm the hands of the multitude for its overthrow, or whether there lurks in ſecret a ſettled purpoſe gradually to overturn all the orders of the ſtate, and to begin with that which, in theſe days of religious indifference, has the feweſt protectors; the EFFECTS are certainly the

* James Dunn, near Urlingford.

the ſame, and all ranks of men are now called upon, when the magnitude of the evil is apparent, to exert their utmoſt endeavours to ſtop the growth of the contagion.

It was clearly the aim and policy of the internal cabinet of the white-boy republic to ſpread the miſchief of combination by oath through the whole kingdom, that thus the lower orders of the Roman Catholics may become ſworn confederates in the general cauſe of confuſion and ſedition; and this dangerous ſcheme would probably have had its full effect, had not the wiſe, manly, and vigorous ſpirit of the King's and Queen's counties, and that of Galway, all bordering on Munſter, been rouſed, and by the union and firmneſs of the men of property and influence, the *armed invaders* been in time repulſed and defeated. What has thus *retarded* the *progreſs* of the evil, is one of the beſt remedies for its *total ſuppreſſion*; from ſuch a zealous, active, and enlightened co-operation of the gentlemen of property, connection, power and in *Munſter*, much may be expected towards the final extirpation of this baneful and poiſonous weed which now overruns that fruitful and delightful country. Let the landlords, now ſeeing the general danger, which had hitherto been artfully

kept

kept from their view, uſe their influence over their tenantry to ſeparate them from the herd of the rebellious; let the magiſtrates ſhake off their indolence or timidity, and firmly unite in the vigorous execution of the laws, without which their poſſeſſions, their honours, and all thoſe diſtinctions in life which ſeparate them from the dregs of the people, muſt be ſwept away into the gulph of univerſal ruin.

Let the executive and legiſlative powers unite in directing and inforcing the maintenance of the preſent laws, in diſarming the moſt illegally and dangerouſly armed peaſantry of the Roman Catholic religion, and in ſtrengthening the hands of the civil power by further regulations, if, on full proof and fair debate, they ſhould be found neceſſary.

Let juſtice be done to the injured clergy, and an adequate compenſation made to them for the loſſes they have ſuſtained by the outrages of the white boys in their properties and incomes; let this be ſo managed that the burden of this act of juſtice ſhall fall on thoſe who have offended, and conſequently on the pariſhes where the injuries were committed; the inhabitants of thoſe pariſhes were either the principally guilty perſons, or the confederates

of thoſe who were, or, by not oppoſing the inſurgents, contributed materially to the progreſs of the evil; thus the cottier tenants, who compoſe the bulk of the Munſter pariſhes, and their encouraging, or at leaſt acquieſcing, landlords, will be convinced that, by an illegal attempt to remove a ſlight burden, they only bring on themſelves a more heavy incumbrance, and that every reſiſtance of the law muſt be corrected by every effectual mode of puniſhment. The ſpirit of the laws of the wiſe and good Alfred will be revived, by which every man through the whole kingdom was immediately, in perſon and in property, intereſted in the conduct of his neighbours of the ſame decennary, hamlet, pariſh, and hundred, and the ſelf-intereſt of each individual was a ſufficient incentive to him to exert his beſt endeavours for the maintenance of general order and tranquillity.

Let thoſe who have the appointment of magiſtrates uſe double vigilance that honeſt, able, and independent men be choſen for that order; if that claſs ſhall be permitted to fall into general contempt, and that the execution of the laws in the diſtant counties, far removed from the ſupreme courts and the eye of government, be intruſted to the ignorant, the ſordid, the timid, the profligate,

or

or the neceſſitous, the *laws themſelves* will be deſpiſed, abhorred, and at length oppoſed, and univerſal ruin muſt enſue.

In the days of reſtored peace, the TRUE PATRIOT LEGISLATOR (and ſuch we hope there are) will, with an humane and diſcerning eye, look into the real grievances of the peaſantry of this country, and relieve them as much as may be in this power: Providence has moſt wiſely ordained that all human ſocieties ſhould be compoſed of various claſſes of men, and that the loweſt order ſhould conſiſt of thoſe whoſe want of property obliges them to an exertion of daily induſtry and labour, to ſupport themſelves and their families, and thereby to procure the moſt ſignal benefits to the whole community; the *patriot legiſlator* will give every juſt and practicable aid to this claſs of men; he will animate their induſtry by well directed precepts, examples and rewards; he will eſtabliſh the arts of cultured life thro' every corner of the iſland; he will procure and ſupport more effectual laws for the ſuppreſſion of idleneſs, immorality, and drunkenneſs; he will endeavour to diminiſh, if not totally prevent, the pernicious uſe of ſpirituous liquors among the littletenants, labourers and mechanics, and ſubſtitute in their place the more

tritive, wholeſome, and ſtrengthening uſe of malt liquor, of equal benefit to the revenue and agriculture, and little dangerous to the morals of the people; he will diffuſe the bleſſings of an enlightened education among the lower orders, by the erection of new ſeminaries under the controul and viſitation of the magiſtrates and the higher orders of the clergy, and by the ſuppreſſion of any abuſes which time may have introduced into thoſe of ancient foundation: He will deviſe and recommend an effectual method of preventing the pernicious habit of ſmuggling, particularly on the coaſts of this kingdom, by armed and numerous parties, who at preſent compoſe the flower and ſtrength of the White-boy military eſtabliſhment, and of guarding and collecting the revenue with the leaſt poſſible injury to the forms and ancient uſages of our legal conſtitution; he will examine and correct the drunkenneſs, the vices, the depraved habits and unneceſſary diſtreſſes of our priſons, one great ſource of national depravity; he will facilitate the intercourſe of the people with each other, and give ſtability and credit to their various dealings, by ſuch an effectual improvement of our civil bill law as may bring home juſtice *really* to their doors, with the greateſt poſſible expedition, and the leaſt poſſible expence; theſe and ſimilar enquiries may

be

be made, and real improvements in our police, and in the practice and execution of our civil and criminal legal ſyſtem, ſuggeſted and ſupported, by honeſt and able men, who wiſh to attain glory and diſtinction by honourable means, and who court that ſweeteſt earthly reward of virtue, the applauſe of an improved, an enlightened, and a grateful people.

But, the TRUE PATRIOT will NOT turn away his eyes from *real abuſes*, and diligently look after thoſe which are *imaginary*; he will not conſider as excreſcences on the bark of THE CONSTITUTION thoſe ſolid and firm parts "which grow with her growth, and ſtrengthen with her ſtrength," which are nouriſhed by the main current of the pureſt ſap, and form part of the heart of that tree which has ſpread its roots into the depths of the remoteſt times, and will, I truſt, extend its branches to ſhade our moſt diſtant poſterity.

The *true patriot* will NOT, but on the fulleſt conviction, impute ſordid and illiberal conduct, nay actual extortion, to that claſs of men, who, from their education, their habits and their profeſſion, are the leaſt likely to be ſubject to ſuch diſhoneſt and diſhonourable practices, and who, in fact, as the

the laws ſtand, are deprived of the power of acting unjuſtly, and cannot, by any poſſible contrivance, exact from any man more than their legal and acknowledged property.

But, if I have ſtated the *real caſe* of the clergy, and pointed out their general and almoſt univerſal conduct as to their property, as guided by a benevolence and charity, which uſually prompt them to a chearful relaxation and diminution of their legal rights; on what ground do thoſe arguments reſt which have been urged for the annihilation of the tithe ſyſtem on an aſſumption of *crying abuſes* and *enormous exactions* on the part of the clergy? Shall the unſupported aſſertions of men whoſe ignorance, whoſe religious prejudices, whoſe ſeditious ſpirit, and whoſe rebellious actions entitle them to no poſſible degree of credit in the preſent caſe, be conſidered as a ſufficient cauſe for any innovation even of the moſt trivial nature; and, even if ſome grievances did actually exiſt in this point, can men be found willing to give up the dignity of government, the honourable and uſeful pride of legiſlature, their own liberty and ſecurity, and thoſe of their lateſt poſterity, by receiving inſulting propoſitions from *armed*, *obſcure*, and nocturnal ruffians, either acting from their own infatuated and ill informed

informed understandings, or guided by the whispered counsels of men in higher ranks of life, regardless of aught but their own interests, and the exaltation of that religious or political party to which they belong? Is it a time, when your lately acquired political and commercial advantages are not thoroughly settled, when our kingdom is but just emerging into open day, into internal improvement and external consequence, and when we are *but now* become one among the nations of the earth, to risk our present possessions and future expectations of national opulence and dignity, by bending the SCEPTRE OF THE LAWS, and proving it weaker than the *rod of the peasant?* Or, in the present situation of the parties and religions of this country, in a great degree separated from our Protestant brethren of England, and unsupported by that power which, in the hours of severest trial, protected our religious establishment, as a branch of her own, against its confederated internal enemies, shall we be so inconsiderate as to shake any part of our ecclesiastical system, so conformable to our civil constitution, so friendly to the consciences, the rights and liberties of mankind, the religion of our Ushers and our Berkeleys, purified by the happy Reformation, and confirmed by the most glorious Revolution?——Let the man, who draws but a

single

ſingle ſtone from the foundation of the ſacred and venerable edifice, tremble at the probable conſequences of his raſhneſs; the ſpirit of innovation is not eaſily reſtrained; like every other paſſion, it gathers ſtrength by ill example and indulgence; new attempts will enſue to demoliſh the materials and deſtroy the cement of THE TEMPLE; when the ornaments are disfigured, and all the out-works ſucceſſively overturned, the center itſelf will ſoon crumble on its baſe, and involve all that is dear to us as freemen and as enlightened Chriſtians in univerſal deſtruction.

May that day be far removed, and may the underſtanding and the virtue of the citizens and legiſlators of Ireland be ſucceſsfully exerted to convey our preſent happy civil and eccleſiaſtical conſtitution, undiminiſhed and unimpaired, to their lateſt poſterity!

APPEN-

APPENDIX.

(No. I.)

County of Tipperary. } THE Examination of the Reverend WILLIAM RYAN, of *Mulonola*, Rector of the Pariſh of *Kilvemnon*, in the ſaid County, taken before one of his Majeſty's Juſtices of the Peace for ſaid County.

THIS Deponent being duly ſworn on the Holy Evangeliſts and examined, ſaith, that about three o'clock in the morning of the firſt of October, one thouſand ſeven hundred and eighty-five, he heard the noiſe of many horſes within a few yards of the ſtreet-door of his houſe, and the door immediately burſt open; that ſeveral perſons entered his room; that ſaid Deponent and his wife were then in bed; that the ſaid Deponent inſtantly threw himſelf out of bed, without any covering but his ſhirt, and ſeized a piſtol, which he fired at the ſaid perſons, but with what effect he cannot tell. This Deponent further ſaith, that he was forcibly dragged by the ſaid perſons, through an outſide room, into the open air, where a number of men appeared on foot and on horſeback. And the ſaid Deponent further

ſaith, that he immediately received ſeveral violent blows on the head and other parts of his body with poles and cudgels; and this Deponent further ſaith, that he perceived an hanger over his head, but cannot tell whether he was ſtruck with it or not, but ſays, from the ſhape of a dangerous wound over his eye, this Deponent believes he was ſtruck with the cock of a gun or piſtol; this Deponent further ſaith, that in a ſhort time he could perceive the warm blood flowing down his body in almoſt every direction; and the ſaid Deponent further ſaith, that he was thrown on the ground, and dragged acroſs a very rough and broken pavement; and further ſaith, that by this time loſs of blood rendered him very weak, and that he fell on the ground; and further ſaith, that he was compelled by the ſaid perſons to riſe, on which they aſſiſted him, alledging that he (the Deponent) only pretended weakneſs; and further ſaith, that when he was raiſed, he reeled and found himſelf ill able to ſtand without ſupport; and further ſaith, that they then propoſed to put him on horſeback, naked and bloody as he was, either to bury or drown him; and further ſaith, that when he the ſaid Deponent requeſted to be allowed ſome cloaths, they ſaid he had no occaſion for them; and when he begged a little water to drink, they frequently repeated that he ſoon ſhould get plenty

of

of it; and further ſaith, that his wife (as ſhe ſays, and he believes) expoſtulating and ſupplicating on this occaſion, was loaded with the moſt opprobious epithets, and a deſperate blow made at her with a pole, which ſhe avoided by withdrawing under the lintel of the door, and that the impreſſion of ſaid blow remained for ſeveral days viſible in the thatch, and he ſuppoſes ſtill does; and further ſaith, he verily believes they would have carried him away, had they not been delayed by a number who re-entered the houſe, and were buſy lighting candles, ſinging, dancing, and ſearching the rooms for arms; ſaid Deponent further ſaith, that during this time he was obliged to ſtand, under a guard, covered only with the remains of a bloody ſhirt, and expoſed to the inclemency of a froſty night, frequently receiving blows and inſults from thoſe about him; and further ſaith, that his wife continued from the beginning to give him all the aſſiſtance in her power; and that, he believes, beſides many blows made at herſelf, ſhe received ſeveral intended for him, of which ſhe bore ſeveral marks, expoſed to the open air, and, as he believes, with no other covering than her ſhift; and further ſaith, that before their departure, they propoſed to him to ſwear that he would keep no proctor, that he would value his own tithes and ſet them; and further ſaith, that on reaſoning againſt ſuch propoſal,

and declining ſaid oaths, and day approaching, they departed, felonioufly taking away a piſtol, an horſewhip, and a key; and this Deponent believes that ſome of the ſaid perſons had fire-arms, as he is informed they fired ſome ſhots at and after their departure from his houſe; and further ſaith, they left him nearly covered with blood, and with many wounds and bruiſes, ſome of which he believes were dangerous; and further ſaith, that from his knowledge he cannot ſet forth the names of the ſaid perſons; and this Deponent ſaith, that ſome of the neighbouring gentlemen ſat up in ſaid Deponent's houſe four ſucceſſive nights, being apprehenſive, as ſaid Deponent was, of another attack on ſaid Deponent's houſe, and that the ſame night be ſet on fire, by the ſaid inſurgents, it being a low thatched houſe, formerly a barn, but the beſt accommodation he could get for himſelf and his family (on any terms that were not very exorbitant) and for which however he was obliged to pay a rent far exceeding its real value; and further faith, that his wife, during three of the ſaid nights would not venture to go to bed; and this Deponent ſaith, that in four days after ſaid outrage, he removed to Clonmel for medical aſſiſtance and the protection of himſelf and his family; where he has ſince been attended by a phyſician, a ſurgeon, and an apothecary, at conſiderable ex-

pence

pence to this Deponent, and ſaith that he hath been in many reſpects a great ſufferer by his removal from the ſaid habitation, where at great expence he had fixed himſelf and his family, and from which the ſaid Deponent further ſaith that he removed with great reluctance for the preſervation of him and them at a ſeaſon of the year when his attendance was moſt neceſſary for the care and cultivation of his little farm; and this Deponent ſaith, that he, and his wife, had endeavoured by acts of kindneſs and beneficence, as far as their circumſtances would admit, to deſerve the eſteem and gratitude of the lower orders of the people in the ſaid pariſh; and further ſaith, that he proceeded in the ſetting of his tithes in ſuch a manner as he thought moſt equitable and leaſt oppreſſive; that he did not ſuffer his proctors to receive any fees from his pariſhioners; and that the ſaid Deponent frequently propoſed to individuals to value their own tithes, he offering to abide by their eſtimate; and that he often propoſed to the pariſh in general, to let any two reaſonable inhabitants value between him and them; and further ſaith, that the inhabitants of ſaid pariſh had generally declared their approbation of this Deponent's conduct; and this Deponent verily believes that the ſaid outrage proceeded from profeſſional rather than perſonal prejudice, and with a view to intimidate

midate the proteſtant clergymen from enforcing their juſt and accuſtomed rights; and further ſaith, that he is under great difficulties from the circumſtance of his being not able to procure the attendance of ſervants, on whoſe fidelity he can depend; as many perſons in that neighbourhood threaten deſtruction to any ſtranger who ſhould come among them; and that from thoſe threats, a perſon whom this Deponent lately hired, was ſo intimidated, that he refuſed to come to this Deponent's ſervice, who is now obliged to employ perſons of that neighbourhood, from whom he cannot expect any aſſiſtance againſt the ſaid inſurgents; this Deponent ſaith, he is ready at any riſque to himſelf to do his duty, and to eſtabliſh the cuſtomary rights of himſelf and his ſucceſſors, as far as in him lies, but ſays that ſuch repeated outrages and violations of the public peace, have been committed in that neighbourhood, that neither the public peace nor private property can be conſidered as ſecure, except troops ſhould be quartered in ſome convenient ſituations in and about ſaid pariſh; and ſaith, he is informed and believes, there was a barrack in ſaid neighbourhood, in which troops had been formerly ſtationed, for the purpoſe of keeping the ſaid neighbourhood in order.

(A W RYAN.

APPEN-

APPENDIX.

(No. II.)

A brief account of the treatment received by the Rev. Mr. HARE, Vicar-general of Caſhel, from the White-boys.

MR. HARE, on the 18th of June, 1786, ſent out his proctors to view and value his tithes growing in the pariſh of Kilbragh, in the county of Tipperary, in Munſter, and near the borders of the province of Leinſter.—The law renders this an indiſpenſible act, as no clergyman can recover the value of any ſubſtracted tithes without the cleareſt proof of ſuch value, by the oaths of two perſons who have carefully viewed and valued them.

On the 25th of June, a mob purſued the ſaid proctors into different houſes into which they had fled for protection, dragged them out, beat them moſt unmercifully, robbed them of their valuation-books, ſome caſh-notes, and accounts, and compelled them to ſwear that they would never view or value tithes again, &c. for which acts of outrage, three of the moſt violent of theſe White-boys were indicted at the enſuing aſſizes at Clonmel.

Mr.

Mr. Hare's proctors, having received ſuch ſevere and barbarous treatment from the White-boys, refuſed going again to the pariſh to view and value, unleſs Mr. Hare ſhould himſelf accompany them; Mr. Hare accordingly, as ſoon as his proctors had recovered and been cured of their wounds and bruiſes, went with them to the ſaid pariſh to view and value his tithes, where on his firſt appearance, a great mob, collected by yelling and ſhouting, attacked Mr. Hare and his two proctors moſt furiouſly, purſued them for near half a mile, knocked down Mr. Hare, broke a bone of one of his hands, and two of his ribs, and gave him above twenty bruiſes and wounds in different parts of his body by ſtones thrown at him.

His two proctors were beat and abuſed in the ſame manner, and robbed of their arms, and the lives of them and of Mr. Hare were in the moſt imminent danger.

As ſoon as Mr. Hare had ſo well recovered from his wounds and bruiſes as to be able to ride on horſeback, he went on the 11th of Auguſt. with eighten men all well armed, to the ſaid pariſh of Kilbragh, which is diſtant about ſixteen miles from his reſidence at Caſhel, in order to have viewed

viewed and valued ſuch parts of his tithes as had not before been valued, but on his arrival there, he found that *all* the inhabitants of the pariſh had ſworn not to ſell, or give him lodging, victuals, or any ſort of accommodation, or to any of the party which accompanied him.

Mr. Hare and his whole party, it being then night, were under the neceſſity of taking ſhelter in a new church, recently plaiſtered, and ſtill dripping wet, the wind and rain beating in through the broken windows, and to ſleep on new-mown wet graſs in their ordinary cloaths, having been able to procure but one blanket and one pair of ſheets for the whole party, from Mr. Lidwell, a gentleman who did not live in that pariſh.

Thus they ſpent ſeven nights, keeping a regular watch, continually alarmed and annoyed by great numbers of ruffians, who were conſtantly huzzaing for Captain Right, and threatening to deſtroy Mr. Hare and his party.

Their food they got, with danger and difficulty, from Caſhel, ſixteen miles diſtant, and frequently were obliged to eat raw potatoes.

Thus Mr. Hare continued with great trouble, risk and expence, to have the tithes of his parish viewed and valued as the law directs.

On the 5th of October Mr. Hare went again to the parish of Kilbragh, attended by some men in arms, for the purpose of letting his tithes, and was there informed that seven men of the parish had solemnly sworn and combined to assassinate him; Mr. Hare, however, remained in the parish in the greatest anxiety and danger, for near three weeks, until he had lett the greater part of his tithes as well as he could; it can be proved incontrovertibly, that some of those assassins were posted every night at different corners of the cabbin where Mr. Hare took shelter, while at this time in the parish, for the purpose of shooting him, if he should put his head out of the door after night fall, and some of them came by night to the window of the little room in the cabbin, to try if they could shoot him while in bed, but his intelligence was so good, and his caution so great, that they found no opportunity to attempt to murder him until the 29th of October last, when between the hours of two and three o'clock, in the open day, and immediately after divine service, as Mr. Hare was returning from church by the high road, in company with his cu-

rate

rate and another gentleman, Thomas Dawſon and Michael Bohan, two of the aſſaſſins already mentioned, waylaid him, and from behind a field-gate, preſented two muſkets at him, who was then but four or five yards diſtant, pulled the triggers, and both providentially burned priming.—Mr. Hare and his two friends immediately purſued the aſſaſſins, took BOHAN priſoner, but DAWSON eſcaped. —Bohan was conducted to the neighbouring town of Thurles, where the charge of the gun which he had attempted to fire, was drawn in the preſence of many gentlemen—It contained four bullets and a proportionable quantity of gun-powder.

APPENDIX,

(No. III.)

Of the AGISTMENT TITHE.

THE nature and modes of valuation and recovery of the agiſtment tithe, as ſet forth in the old law books, ſeem to me rather obſcure, and the Court of Exchequer in England has lately eſtabliſhed the doctrine and practice as to this ſpecies of tithe in ſo very different a manner, and on a foundation ſo much more natural and ſolid, that I think it unneceſſary to give any detail of the ancient opinions and dicta on this ſubject.

AGISTMENT is properly defined "the keeping or depaſturing of ſheep and of any kind of cattle, whether beaſts or horſes;" and the tithe of agiſtment is "the tenth part of the value of the keeping or depaſturing of ſuch ſheep, beaſts, and horſes, as are liable to pay it."

Beaſts and horſes uſed in the plough, or other buſineſs of huſbandry, are exempt from this tithe, as are alſo milch cattle, which pay tithe of another kind.

This

This tithe is, from its nature, not levied in kind, but all cattle ſubject to it, (commonly called barren and unprofitable cattle) are to pay a tithe for their agiſtment during the time they have been ſo kept in any pariſh, according to the value of the keeping of each per week:—

This tithe is payable by the occupier of the ground for his own ſheep, cattle, and horſes, as well as for thoſe he takes in as *graziers*, or to *joiſt*, as is the phraſe in England.

The agiſtment tithe, and all other ſpecies of tithes are founded on two general rules;

RULE I.

The perſon to whom tithes are payable is entitled to the tenth part of *the produce* of the land, or the *value* of it; that is to the *produce*, where the tithe can be taken in kind, as in hay, corn, &c. to *the value*, where it cannot, as in agiſtment.

RULE II.

So often as a new increaſe ariſes, ſo often a new tithe becomes due.

The

The Court of Exchequer in England has aſcertained theſe points in the cleareſt manner, by their unanimous decree in the caſe of Bateman v. Aiſtrop, and others, Eaſter, 1774, and the ſame points were before ruled in the ſame court in the caſe of Willis againſt Haneey. Mich. 1786.

It is adopted as a principle, that the agiſtment tithe is payable *of common right*, and as ſuch, that the non-payment of it for any number of years, or even from time immemorial, is no bar againſt the payment of it when demanded or ſued for, and that even arrears long due and not demanded may be recovered by the church, againſt which no preſcription lies, according to a known maxim of our law.

Thus the agiſtment tithe is now eſtabliſhed in England by the ſolemn deciſions of the courts, as recoverable for the full value thereof, unleſs when a legal modus or compoſition intervenes.

This is a doctrine and practice not grounded on any act of parliament, but built on the broad baſe of THE COMMON LAW, which equally extends to Ireland as to England.—Let us now conſider why the agiſtment tithe, which, in many parts of England,

land, forms a great part of the clergyman's income, has been for many years paſt entirely unproductive to the clergy of Ireland, and whether the diminution of that part of their dues, be founded on law, or that liberal and enlightened policy which ſhould inſpire the councils of a great nation.

On the 6th of December, 1735, a petition was preſented to the Houſe of Commons, ſigned by Benjamin Copland and others, on behalf of themſelves and the reſt of the farmers, graziers of Ireland, ſetting forth "that ſeveral of the petitioners have been of late, and now are, ſued for the tithes of the agiſtment of dry and barren cattle, notwithſtanding that, according to the beſt information they have had, no ſuch tithes have been ever paid, or even demanded in this kingdom until a few years ſince, and praying relief therein."

A committee of 37 members was then appointed to examine the allegations of the ſaid petition, and report their proceedings and opinion thereon.

On the 22d of December, 1735, the committee reported the following reſolution:

"Reſolved, that it is the opinion of this committee that the petitioners have proved the allegations

"gations of their petition, to the ſatisfaction of "the committee."

The Houſe accordingly "ordered, that leave "be given to bring in heads of a bill for aſcertain- "ing the tithe of herbage, or agiſtment of dry or "barren cattle in this kingdom, and ſettling the "methods of recovering the ſame."

By this it appears that it was *then* the decided ſenſe of the Houſe of Commons, that the tithe of agiſtment was a legal and exiſting part of the property of the clergy; that this petition, which is not inſerted at large in the Journals, *did not deny that right, but merely required a law to ſettle the methods of recovering the ſame*, thoſe adopted by the clergy by bill in Chancery or the Exchequer, being alledged to be highly expenſive to all parties.

I have not been able to diſcover whether any ſuch heads of a bill were introduced; certain it is that no ſuch bill paſſed—The oppoſers of the clergy ſeemed to be aware that the petition and order above-mentioned, were rather too favourable to their claim of agiſtment tithe, and probably declined to bring in the bill, which, according to the

tenor

tenor of the order, muſt have recognized the title of the clergy.

The enemies of the agiſtment tithe took new ground for their attack, and on the 5th of March, 1735, O. S. a petition of Samuel Law, and other gentlemen and landholders of the county of Meath, &c. &c. was preſented to the Houſe, ſetting forth, "that the clergy in the ſeveral parts "where the petitioners dwell, have commenced, "and threaten to commence ſuits for *a new kind of* "*tithe*, under the name of agiſtment of dry and "barren cattle, grievous to the petitioners, and "to all thoſe who are ſued for the ſame, and praying relief."

On this petition, a committee of 37 members was appointed (ſome of whom had been of the committee on the former petition) and on the 17th and 18th of March, 1735, the report of the committee, and their reſolution thereon, were laid before the Houſe. The reſolution of the committee was as follows:

"Reſolved, that it is the opinion of this com-"mittee that the petitioners have fully proved the "allegations of their petition to the ſatisfaction of

" the committee, and deſerve the ſtrongeſt aſſiſt-
" ance the Houſe can give them."

The Houſe agreed to this reſolution.

And the Houſe reſolved, " That the allotments,
" glebes, and known tithes, with other eccleſiaſ-
" tical emoluments, aſcertained before this * *new*
" demand of tithe of agiſtment for dry and barren
" cattle, are an honourable and plentiful proviſion
" for the clergy of this kingdom."

" Reſolved, that the demand of tithe-agiſtment
" for dry and barren cattle is *new*, grievous, and
" burdenſome to the landlords and tenants of this
" kingdom, who could have no notice thereof pre-
" vious to their purchaſes and leaſes, nor the leaſt
" apprehenſions that ſuch demands could have
" been claimed."

A motion being made, and the queſtion put,
" that the commencing ſuits upon theſe new de-

* This is ſurely an extraordinary doctrine, as nothing can be more certain or better eſtabliſhed in law than that the tithe of agiſtment is due *communi jure*, as indiſputably as the tithe of hay or corn.

" mands

" mands muſt impair the Proteſtant intereſt, by " driving many uſeful hands out of this kingdom, " muſt diſable thoſe that remain to ſupport his " Majeſty's eſtabliſhment, and occaſion Popery " and infidelity to gain ground by the conteſt " which muſt neceſſarily ariſe between the laity " and clergy,"

On a diviſion, it was carried in the affirmative, by 110 againſt 50.

The buſineſs was then concluded by this reſolution.

" Reſolved, that all legal ways and means ought " to be made uſe of to oppoſe all attempts that " ſhall hereafter be framed to carry demands " of tithe-agiſtment into execution, until a pro- " per remedy can be provided by the legiſla- " ture."

What *legal ways and means* the Houſe of Commons could adopt to oppoſe ſuits for agiſtment-tithe, otherwiſe than by concurring in an act of parliament for that purpoſe, I own myſelf at a loſs to conjecture. Corrupt as thoſe days were, the

members muſt have known that an expreſſed opinion of that Houſe could not change the laws of the land, or deprive a whole body of men, an integral part of the ſtate, of their legal and veſted property:———If it were not their property, the courts of juſtice would ſoon pronounce the law againſt them, and, in the ordinary courſe of proceeding, ſoon reſtore peace and ſecurity to thoſe worthy and diſintereſted graziers who ſuppoſed themſelves injured. Was it intended that this reſolution, not followed up by a bill, ſhould influence men from the proſecution of their juſt rights, and deter the judges from entertaining ſuch cauſes, and the gentlemen of the bar from aſſiſting their clerical clients on ſuch occaſions?

That the clergy *were* intimidated is moſt certain; no ſuits for agiſtment-tithe have ſince been commenced, and all the then ſubſiſting proceedings were diſcontinued; no clergyman was found bold enough to give the *law of the land* an opportunity of ſtruggling with an half-expreſſed opinion of one Houſe of Parliament.

But I truſt that in the courts of juſtice, on the bench and at the bar, many men would have been found who would ſteadily turn their inward eye

to

to the ſhrine of the law, and receive the ſacred reſponſes from that oracle alone. I firmly hope and believe that the well-known example of the intrepid HOLT would prompt and inſpire every man of the law who might be called upon to do his duty on ſuch an occaſion.

As, moſt clearly, the diſcontinuance of this claim of the agiſtment-tithe is not grounded on any law, let us examine if the reſolution which produced it was founded on ſound policy, or on the real intereſts of this country.

Will any man who conſiders that the wealth and proſperity of a nation depends on the number of its fully-employed, active and healthy inhabitants, eſtabliſh a poſition that paſturage is to be preferred to tillage; that the mode of occupying the ſoil which enriches the few, and ſtarves the many; which converts the moſt delightful plains of Ireland into ſilent, forlorn and deſolate waſtes; which baniſhes the active peaſant, the ſkilful labourer, the intelligent mechanic, and renders the "human face divine" a novelty in the moſt fertile parts of the kingdom; which nips population, induſtry, and national proſperity in the bud, by preventing the

the means of earning an honeſt ſubſiſtence by uſeful labour;—that paſturage, which when too far encouraged and extended, neceſſarily produces all theſe evils, ſhould be preferred; and that the plough and the ſpade, the favourite inſtruments of heroes, of philoſophers, and of politicians, ſhould be ſlighted? No reaſoning man, who has read a page in hiſtory, who has looked round him and contemplated the manners, habits, arts, and commerce of the living world, can for an inſtant entertain an opinion ſo repugnant to the ſenſe of mankind in all countries and in all ages.

What then was the tendency of that reſolution, or what would have been the object of the conſequential act, had it paſſed on that occaſion?

Manifeſtly, that the whole ſubſiſtence of the clergy, which before was by law to be demanded and levied from the produce of the land of the *whole kingdom*, ſhould, in future, be confined to that ſpecies of land which ought leaſt to be burthened, and to that claſs of people which, in ſound policy, ſhould be moſt effectually encouraged and ſupported. That a bounty ſhould be granted to extend the propagation of a national evil, and that the real cultivator of the ſoil ſhould repine at the exiſtence

exiſtence of a law, however ancient, however juſt, which ſtill continues that incumbrance on him, from which intrigue, influence, and the ſelfiſhneſs of intereſted men in power, had relieved his indolent, uſeleſs, and depopulating neighbour.

This, in fact, ſeems to me the primary and radical cauſe of the preſent diſcontent, ſo far as tithes are concerned, if they are at all concerned, and ſo far as the peaſantry are really, and from themſelves, in earneſt on that ſubject. We are all happy or miſerable by compariſon.—Abſtract reaſonings of right and wrong, of law, and of ancient uſage, will never convince an illiterate cottager of a rich grazing county, that it is the real conſtitution of this country that the clergy ſhould be maintained out of the produce of the lands of this kingdom. When he looks around him and ſees that the five thouſand beſt acres in the pariſh contribute nothing, and that he and forty or fifty other wretches, almoſt houſeleſs and naked, muſt, out of the remaining three or four hundred acres, extract, by the power of inceſſant labour, ſufficient for the ſupport of their own families, and for that of the eſtabliſhed clergyman;—even this ignorant peaſant cannot ſuppoſe that ſuch a groſs partiality has the ſanction of the law; he therefore concludes

that

that the whole is a fraud; that tithes are a burden not impoſed by law on him or on any man; that his neighbour, the rich grazier, who covers the plains all around him with innumerable oxen, never hears the demand of the rector, or the voice of his proctor, "charm he never ſo wiſely;" that tithes are never demanded from *him*, becauſe his learning enables him to know that it is a cheat, and his wealth ſupplies him with the means of defence; and that the impoſition therefore falls with double weight on his own wretched and unprotected head.——All theſe are the natural concluſions of this unfortunate man, who has not knowledge enough to diſcover that one branch of the legiſlature has, in effect, declared one law for the rich, and another for the poor; and that it is therefore the adopted policy of Ireland, in this inſtance, to beſtow her rewards on thoſe who moſt effectually retard her improvement, and even contribute to her deſtruction.

The peaſant, therefore, undefended by the arms of the feeder of oxen, by wealth or by knowledge, has recourſe to the arms ſupplied by nature, and calls in violence and outrage to protect him againſt the ſuppoſed fraudulent and illegal claims of the clergy, and is actually led into treaſon and rebel-

lion

lion by not properly underſtanding the myſterious wiſdom of the patriotic Houſe of Commons of 1735.

Why then ſhall that reſolution remain uncancelled which manifeſtly commits private injuſtice, and tranſgreſſes all the rules and practices of every enlightened nation on ſimilar occaſions?—which having, by time and acquieſcence, as it were, uſurped the force of law, has eſtabliſhed the dangerous precedent that an expreſſed wiſh of one Houſe of Parliament, ſhall controul the rights of the ſubject, and check the free appeal to the eſtabliſhed courts of juſtice in any caſe of real or alledged property?—which, taking advantage of the moderation, the diſintereſtedneſs, and the peaceable diſpoſition of the clergy, turns their virtues againſt their intereſt, and converts their acquieſcence under perſecution, into an abjuration of their own rights and principles, and a dereliction of thoſe of their ſucceſſors;—which, in ſhort, caſts a ſtain on the morals and underſtandings of our forefathers, in the ſervile ſtate of this kingdom; a ſtain which the ſounder equity and better policy of the preſent repreſentatives of emancipated Ireland can alone waſh away.